

## **REMARKS**

This amendment is responsive to the Final Office Action mailed on April 6, 2009. Claims 1-7 and 28-31 are pending in the application and stand rejected. Claim 1 has been amended. Claims 32-47 are new. This amendment is also accompanied by a Request for Continued Examination (RCE), and as such, consideration of the above amendments and following remarks after final is appropriate. As such, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

### **Rejections under 35 U.S.C. § 103**

The Examiner has rejected claims 1-7 and 28-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,944,620 to *Cleraux* et al. (*Cleraux*). Of the rejected claims, claim 1 is the independent claim. Applicant has amended independent claim 1 to further clarify Applicant's invention. Applicant submits that the claim amendments do not raise any new issues as Applicant has consistently maintained that the claims are and have been directed to converting a filesystem without losing the availability of the file system during the conversion process.

With respect to amended independent claim 1, this claim generally recites a method for maintaining a data structure corresponding to an object having a first link from a first directory and a second link from a second directory in a filesystem, wherein the object to which the data structure corresponds is selected from the group consisting of a file and a directory in the filesystem. The first and second directories are parent directories to the object to which the data structure corresponds. The method comprises the steps of storing in the data structure a first anchor point for the object that references the first directory, said directory implemented on a first filesystem type, and storing in the data structure a second anchor point for the object that references the second directory, said second directory implemented on a second filesystem type different than the first. The method further comprises concurrently, with storing the first and second anchor points, converting the first filesystem type to the second filesystem type while maintaining the filesystem in a full operational capacity. Support for the most recent amendment

may be found in the published application (U.S. Publication No. 2005/0192918) at paragraph [0036].

*Cleraux*, as set forth in previous amendments, is directed to a method for supporting multiple file system types in a single mass storage device, where the system hosting the mass storage is able to access the files in each of the file system types. *Cleraux* uses the alternate, hosted, file systems for devices that do not have mass storage devices of their own, but rather use the host system mass storage device as their file system. The other devices may use an alternate operating system, and therefore an alternate file system type than the host. Any features of the file systems for the other devices that are unsupported on the host file system are written to and accessed through an emulation library allowing the file or feature to be emulated and accessed by the host system.

However, *Cleraux* fails to disclose or suggest converting a filesystem from one filesystem type to a second filesystem type while maintaining the filesystem in a full operational capacity. At best, *Cleraux* uses an emulation library in order to access files. Specifically, *Cleraux* discloses that an emulation library, in response to a request for a file, may be queried for information associated with that file. See *Cleraux*, col. 5, ll. 44-56. The emulation library, in turn, checks a repository for the file as well as a database for information associated with the file. See *Cleraux*, col. 5, ll. 56-60. If the requested file has filesystem characteristics that are the same as the operating system that requested the file, the file itself is sent. See *Cleraux*, col. 5, ll. 60-62. However, if the requested file has filesystem characteristics different from the operating system that requested the file, information from the database sufficient to emulate the requested file is sent to the operating system. See *Cleraux*, col. 5, l. 63 – col. 6, l. *Cleraux* further discloses that, in the latter instance, the emulation library may include information from the repository associated with the requested file but not the file itself. See *Cleraux*, col. 6, ll. 4-10.

In light of the above, *Cleraux* generally discloses sending information to emulate a file associated with a file characteristic of a first operating system as a file associated with a file characteristic of a second operating system. In this manner, *Cleraux* utterly fails to disclose or suggesting converting anything, let alone converting a first filesystem type to a second filesystem type. Moreover, as *Cleraux* fails to disclose or suggest converting a first filesystem type to a second filesystem type, so too does *Cleraux* fails to disclose doing so concurrently with storing first and second anchor points.

*Cleraux* further fails to disclose or suggest that first and second anchor points are anchor points to parent directories implemented on different filesystem types for the same object. Specifically, *Cleraux* discloses a file associated with a file characteristic of a first operating system hosted on a mass storage device connected to a host system. See *Cleraux*, FIG. 2. The object is accessed by both a computer without a mass storage device of its own (using the hosted filesystem) (e.g., a target system) as well as accessed by the host system. As previously discussed, the target system is provided data to emulate the file associated with the file characteristic of a first operating system as a file associated with a file characteristic of a second operating system through an emulation library if the hosted system has a filesystem different from that of the target system. However, neither the filesystem for the host system, nor the filesystem for the target system have an object with two anchor points to two corresponding directories, each implemented on different filesystem types. Furthermore, neither *Cleraux* nor the Examiner provide any suggestion or rational reason as to why the host system or the target system would have a need for a data structure where an object has an anchor point referencing a first directory in a first filesystem type and a second anchor point referencing a second directory in a second filesystem type different from the first.

Therefore, Applicant submits that *Cleraux* fails to disclose or suggest all of the elements of Applicant's amended independent claim 1 or otherwise render the claimed subject matter obvious. Consequently, Applicant respectfully requests that the rejections for claim 1, and for claims 2-7 and 28-31 which depend therefrom, be withdrawn.

With respect to new claims 32-47, these claims are program product and apparatus versions of Applicant's method claims. Of these claims, claims 32, 37, and 42 are the independent claims. Specifically, claims 32 and 37 are program product versions of Applicant's independent claim 1. These claims similarly recite "converting the first filesystem type to the second filesystem type while maintaining the filesystem in a full operational capacity." As set forth above with respect to claim 1, *Cleraux* fails to disclose or suggest converting file systems, but rather discloses hosting different file systems on a single mass storage device via a hosting computer. Therefore, Applicant submits that new claims 32 and 37, and claims 33-36 and 38-41 which depend therefrom, are patentable over *Cleraux* for at least that reason. Likewise, new independent claim 42 is an apparatus version of Applicant's claim 1 and also similarly recites "converting the first filesystem type to the second filesystem type while maintaining the

filesystem in a full operational capacity.” Therefore, Applicant submits that new claim 42, and claims 43-47 which depend therefrom, are also patentable over *Cleraux* for at least that reason.

As a final matter, Applicant further notes that the remaining dependent claims recite additional features that further distinguish these claims from the reference cited by the Examiner. However, in the interest of prosecutorial economy, these remaining claims will not be addressed separately herein.

### Conclusion

Applicant has made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing amendments to the claims and remarks given herein, Applicant respectfully believes this case is in condition for allowance and respectfully requests allowance of the pending claims. If the Examiner believes any detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner’s prompt attention to this matter is appreciated.

Applicant is of the opinion that no additional fee is due as a result of this Amendment. Payment of all charges due for this filing is made on the attached Electronic Fee Sheet. If any additional charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

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Date

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